

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

PATIENT CARE ASSOCIATES LLC,
a/s/o B.C., A.R., and K.W.,

Plaintiff,

v.

NESTLÉ; ABC CORP. (1-10) (said
names being fictitious and unknown
entities)

Defendant.

Civil Action No. 13-CV 1480 (WJM) (MF)

**DEFENDANT'S NOTICE OF MOTION
TO DISMISS THE COMPLAINT**

Oral Argument Requested

TO: ANDREW R. BRONSnick, ESQ.
Massood & Bronsnick, LLC
50 Packanack Lake Road East
Wayne, New Jersey 07470-6663
Attorneys for Plaintiff

SIR:

PLEASE TAKE NOTICE that on Monday, May 6, 2013, at 10:00 a.m., or as soon thereafter as counsel may be heard, defendant Nestlé Waters North America Inc. ("Defendant") shall move before the United States District Court for the District of New Jersey (Hon. William J. Martini, U.S.D.J.), at the Martin Luther King, Jr. Federal Building and United States Courthouse, 50 Walnut Street, Room 4076, Newark, New Jersey, for an Order dismissing the Complaint for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6) and striking the jury demand pursuant to Fed. R. Civ. P. 39(a)(2).

The within motion is based upon the complaint, the Declaration of Dana Loch dated March 28, 2013 and Defendant's Brief in Support of Motion to Dismiss the Complaint submitted herewith.

A proposed form of Order is also provided.

Oral Argument is requested.

Dated: April 2, 2013
Roseland, New Jersey

ORLOFF, LOWENBACH, STIFELMAN
& SIEGEL, P.A.

By: /s/ Jeffrey M. Garrod
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